



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2010 REGULAR SESSION

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HOUSE BILL NO. 428

AS ENACTED

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MONDAY, MARCH 29, 2010

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TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adles

AN ACT relating to felony offenders.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

- 1        ➔ Section 1. KRS 186.412 is amended to read as follows:
- 2        (1) (a) A person who was under the age of eighteen (18) years at the time of  
 3               application for an instruction permit and is eighteen (18) years of age or older  
 4               may apply for an operator's license to operate a motor vehicle, motorcycle, or  
 5               moped if the person has possessed the valid instruction permit for at least one  
 6               hundred eighty (180) days and has completed a driver training program under  
 7               KRS 186.410(4).
- 8        (b) A person who has attained the age of eighteen (18) years and is under the age  
 9               of twenty-one (21) at the time of application for an instruction permit may  
 10              apply for an operator's license to operate a motor vehicle, motorcycle, or  
 11              moped if the person has possessed the valid instruction permit for at least one  
 12              hundred eighty (180) days.
- 13        (c) A person who is at least twenty-one (21) years of age at the time of  
 14               application for an instruction permit may apply for an operator's license to  
 15               operate a motor vehicle, motorcycle, or moped if the person has possessed the  
 16               valid instruction permit for at least thirty (30) days.
- 17        (2) Except as provided in subsection (4) of this section, a person shall apply for an  
 18               operator's license in the office of the circuit clerk of the county where the person  
 19               lives. **Except as provided in paragraphs (b) and (c) of subsection (8) of this**  
 20               **section,** the application form shall require the person's:
- 21               (a) Full legal name and signature;
- 22               (b) Date of birth;
- 23               (c) Social Security number, federal tax identification number, a letter from the  
 24               Social Security Administration declining to issue a Social Security number, or  
 25               a notarized affidavit from the applicant to the Transportation Cabinet swearing

- 1           that the person either does not have a Social Security number, or refuses to  
2           divulge his or her Social Security number, based upon religious convictions;
- 3       (d) Sex;
- 4       (e) Present Kentucky resident address, exclusive of a post office box address  
5           alone;
- 6       (f) Other information necessary to permit the application of United States citizens  
7           to also serve as an application for voter registration;
- 8       (g) A brief physical description of the applicant;
- 9       (h) A statement if the person has previously been licensed as an operator in  
10           another state;
- 11       (i) Proof of the person's Kentucky residency, including but not limited to a deed  
12           or property tax bill, utility agreement or utility bill, or rental housing  
13           agreement; and
- 14       (j) Other information the cabinet may require by administrative regulation  
15           promulgated under KRS Chapter 13A.
- 16   (3) A permanent resident shall present one (1) of the following documents issued by the  
17       United States Department of Homeland Security~~[Justice]~~, United States Bureau of  
18       Citizenship and Immigration Services~~[Immigration and Naturalization Service]~~:
- 19       (a) An I-551 card with a photograph of the applicant; or
- 20       (b) A form with the photograph of the applicant or a passport with a photograph  
21           of the applicant on which the United States Department of Homeland  
22           Security~~[Justice]~~, United States Bureau of Citizenship and Immigration  
23           Services~~[Immigration and Naturalization Service]~~ has stamped the following:  
24           "Processed for I-551. Temporary evidence of lawful admission for permanent  
25           residence. Valid until -----. Employment authorized."
- 26   (4) If the person is not a United States citizen and has not been granted status as a  
27       permanent resident of the United States, the person's application for an original

1 operator's license shall be submitted to either the Transportation Cabinet in  
2 Frankfort or a Transportation Cabinet field office.

3 (a) The application form shall be accompanied by the person's documentation  
4 issued by the United States Department of Homeland Security~~[Justice]~~,  
5 United States Bureau of Citizenship and Immigration Services~~[Immigration~~  
6 ~~and Naturalization Service]~~, authorizing the person to be in the United States  
7 and, if applicable, the person's international driving permit. The application  
8 form of a special status individual with a K-1 status shall be accompanied by  
9 an original or certified copy of the person's completed marriage license signed  
10 by the official who presided over the marriage ceremony and two (2)  
11 witnesses. The application form of a special status individual with a K-1 status  
12 shall also include the person's petition to enter the United States for the  
13 purpose of marriage that contains the name of the prospective spouse. If the  
14 name of the prospective spouse on the petition does not match the name of the  
15 spouse on the marriage license, the Transportation Cabinet shall not be  
16 required to issue an operator's license.

17 (b) The Transportation Cabinet shall, within fifteen (15) days of receipt of the  
18 application, review the person's documentation and determine if the person  
19 will be issued a Kentucky operator's license. If the review of an application  
20 will take longer than fifteen (15) days, the cabinet shall continue the review,  
21 but the cabinet shall be required to make a determination in all cases within  
22 thirty (30) days of receipt of the application.

23 (c) If the cabinet determines the person may be issued an operator's license, the  
24 cabinet shall issue the person an official form that the person shall take to the  
25 office of the circuit clerk of the county where the person resides. The circuit  
26 clerk shall review the person's documentation and the official form issued by  
27 the Transportation Cabinet. If the documentation is verified as accurate, and if

1           the person successfully completes the examinations required under KRS  
2           186.480, the circuit clerk shall issue the person a Kentucky operator's license.

3           (d) Except as provided in paragraphs (e) and (f) of this subsection, a person who  
4           is not a United States citizen and who has not been granted status as a  
5           permanent resident of the United States shall apply to renew an operator's  
6           license, or obtain a duplicate operator's license, in the office of the circuit  
7           clerk in the county in which the person resides.

8           (e) If a person is renewing an operator's license or is applying for a duplicate  
9           license after July 15, 2002, and the person's documentation issued by the  
10          United States Department of Homeland Security~~[Justice]~~, United States  
11          Bureau of Citizenship and Immigration Services~~[Immigration and~~  
12          Naturalization Service], has not been reviewed by the either the  
13          Transportation Cabinet in Frankfort or a Transportation Cabinet field office  
14          under the provisions of this subsection, the person shall be required to apply  
15          for the renewal or duplicate with either the Transportation Cabinet in  
16          Frankfort or a Transportation Cabinet field office.

17          (f) If a person has any type of change in the person's immigration status, the  
18          person shall apply to renew an operator's license with either the Transportation  
19          Cabinet in Frankfort or a Transportation Cabinet field office.

20          (5) The circuit clerk shall issue an operator's license bearing a color photograph of the  
21          applicant and other information the cabinet may deem appropriate. The photograph  
22          shall be taken by the circuit clerk so that one (1) exposure will photograph the  
23          applicant and the application simultaneously. When taking the photograph, the  
24          applicant shall be prohibited from wearing sunglasses or any other attire that  
25          obscures any features of the applicant's face as determined by the clerk. The clerk  
26          shall require an applicant to remove sunglasses or other obscuring attire before  
27          taking the photograph required by this subsection. Any person who refuses to

1 remove sunglasses or other attire prohibited by this section as directed by the clerk  
2 shall be prohibited from receiving an operator's license. The operator's license  
3 issued by the cabinet shall not contain the applicant's Social Security number. The  
4 cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A  
5 that develop a numbering system that uses an identification system other than Social  
6 Security numbers. If an applicant does not have a Social Security number, or the  
7 applicant has submitted a notarized affidavit refusing to divulge his or her Social  
8 Security number based upon religious convictions, the Transportation Cabinet shall  
9 assign the applicant a unique identifying number. The license shall also designate  
10 by color coding and use the phrase "under 21" if the licensee is under the age of  
11 twenty-one (21); "CDL" if the license is issued pursuant to KRS Chapter 281A; or  
12 "under 21 CDL" if the licensee holds a commercial driver's license issued pursuant  
13 to KRS Chapter 281A and is under the age of twenty-one (21).

14 (6) Every applicant shall make oath to the circuit clerk as to the truthfulness of the  
15 statements contained in the form.

16 (7) (a) Except as provided in subsection (8) of this section, the circuit clerk shall  
17 issue a color photo personal identification card to any person who is a  
18 Kentucky resident and who resides in the county who complies with the  
19 provisions of this section and who applies in person in the office of the circuit  
20 clerk. An application for a personal identification card shall be accompanied  
21 by the same information as is required for an operator's license under  
22 subsection (2) of this section, except if a person does not have a fixed,  
23 permanent address, the person may use as proof of residency a signed letter  
24 from a homeless shelter, health care facility, or social service agency currently  
25 providing the person treatment or services and attesting that the person is a  
26 resident of Kentucky.

27 (b) It shall be permissible for the application form for a personal identification

1 card to include as a person's most current resident address a mailing address,  
2 post office box, or an address provided on a voter registration card.

3 (c) Every applicant for a personal identification card shall make an oath to the  
4 circuit clerk as to the truthfulness of the statements contained on the  
5 application form. If the applicant is not the legal owner or possessor of the  
6 address provided on the application form, the applicant shall swear that he or  
7 she has permission from the legal owner, authorized agent for the legal owner  
8 or possessor to use the address for purposes of obtaining the personal  
9 identification card. The personal identification card shall designate by color  
10 coding and by use of the phrase "under 21" if the applicant is under the age of  
11 twenty-one (21).

12 (d) A personal identification card shall be valid for a period of four (4) years from  
13 the date of issuance. Except as provided in this subsection, an initial or  
14 renewal personal identification card issued to a person who is not a United  
15 States citizen and who has not been granted status as a permanent resident of  
16 the United States and who is not a special status individual, but who is a  
17 Kentucky resident, shall be valid for a period equal to the length of time the  
18 person's documentation from the United States Department of Homeland  
19 Security~~[Justice]~~, United States Bureau of Citizenship and Immigration  
20 Services~~[Immigration and Naturalization Service]~~ is issued, or four (4) years,  
21 whichever time period is shorter. An initial or renewal personal identification  
22 card shall be valid for a period of two (2) years if the person is not a special  
23 status individual and the person's documentation issued by the United States  
24 Department of Justice, Immigration and Naturalization Service, is issued for  
25 an indefinite period of time and does not have an expiration date. The fee shall  
26 be the same as for a regular personal identification card.

27 (e) A personal identification card may be suspended or revoked if the person who

1 was issued the card presents false or misleading information to the cabinet  
2 when applying for the card.

- 3 (8) (a) A person may be issued a personal identification card if the person currently  
4 holds a valid Kentucky instruction permit or operator's license. If a person's  
5 instruction permit or operator's license has been suspended or revoked, the  
6 person may be issued a temporary personal identification card. A temporary  
7 personal identification shall be renewed annually and may be surrendered  
8 when the person applies to have his or her instruction permit or operator's  
9 license reinstated.

10 (b) Upon receipt of proper documentation provided by the Department of  
11 Corrections, the circuit clerk of the county in which a released felony  
12 offender resides shall issue to any felony offender, if the felony offender is  
13 eligible, released from the Department of Corrections on home  
14 incarceration, parole, completed service of sentence, shock probation, or  
15 pardon, a personal identification card or, if the felony offender is eligible,  
16 an operator's license. Proper documentation under this paragraph shall  
17 consist of:

- 18 1. The offender's certificate of birth;  
19 2. A copy of the offender's resident record card and parole certificate or  
20 notice of discharge;  
21 3. A photograph of the offender, printed on plastic card or paper; and  
22 4. A release letter that shall contain the offender's:  
23 a. Full legal name, subject to the information available to the  
24 Department of Corrections;  
25 b. Discharge/release date;  
26 c. Signature;  
27 d. Social Security number;



1 e. Date of birth;

2 f. Present Kentucky address where he or she resides; and

3 g. Physical description.

4 The offender shall present this documentation to the circuit clerk within thirty  
 5 (30) calendar days from the date of the release letter and shall be responsible for  
 6 paying the fee for the personal identification card or operator's license pursuant  
 7 to KRS 186.531. The provisions of this paragraph shall apply only to persons  
 8 released on or after the effective date of this Act.

9 (c) Upon receipt of proper documentation provided by the Department of  
 10 Corrections, the circuit clerk of the county in which a felony offender  
 11 resides shall issue to any felony offender, if the felony offender is eligible,  
 12 probated or conditionally discharged by the court and under the supervision  
 13 of the Division of Probation and Parole, a personal identification card or, if  
 14 the felony offender is eligible, an operator's license. Proper documentation  
 15 under this paragraph shall consist of:

16 1. The offender's certificate of birth;

17 2. The offender's sentencing order;

18 3. A photograph of the offender, printed on plastic card or paper; and

19 4. A notarized release letter, signed by the supervising officer verifying  
 20 the offender's status on supervision, that shall contain the offender's:

21 a. Full legal name, subject to the information available to the  
 22 Division of Probation and Parole;

23 b. Signature;

24 c. Social Security number;

25 d. Date of birth;

26 e. Present Kentucky address where he or she resides; and

27 f. Physical description.

*The offender shall present this documentation to the circuit clerk within thirty (30) calendar days from the date of the notarized release letter. The offender shall be responsible for paying the fee for the personal identification card or operator's license pursuant to KRS 186.531. The provisions of this paragraph shall apply only to persons released on or after the effective date of this Act.*

- (9) The Transportation Cabinet shall implement a voluntary statewide child identification program. The program shall issue a color photo personal identification card to a child two (2) to fifteen (15) years of age. Application for a child identification card shall be accompanied by a Social Security card and a birth certificate for the child or other proof of the child's date of birth as provided under subsection (2) of this section. The card shall contain the child's name and the toll-free number of the Kentucky Missing Persons Clearinghouse, Department of Kentucky State Police. The card shall not contain the child's Social Security number. The cabinet shall set a four dollar (\$4) fee for the child identification card. Two dollars (\$2) of the fee shall be used to cover the cabinet's cost for equipment and supplies. Two dollars (\$2) of the fee shall be an administrative fee of the circuit clerk for issuing the card which shall be deposited by the Administrative Office of the Courts into a trust and agency account for the circuit clerks and used for the purposes of hiring additional deputy clerks and providing salary adjustments to deputy clerks. The card shall expire every four (4) years on the child's birthday. Within the time period that the child identification card is valid, the card may be updated with a new photograph and information. The fee for an updated card shall be four dollars (\$4), with two dollars (\$2) of the fee going to the cabinet and two dollars (\$2) going to the Administrative Office of the Courts in the same manner as the fee for an initial card as described in this subsection. The descriptive data and a photo image of the child shall be stored in the Kentucky Driver's License Information System and may be retrieved and used by public agencies subject to the

1 provisions of the Driver Privacy Protection Act, 18 U.S.C. sec. 2721, and may also  
2 be used by the Kentucky Missing Persons Clearinghouse.

3 (10) If a citizen of the Commonwealth currently serving in the United States military is  
4 stationed or assigned to a base or other location outside the boundaries of the  
5 Commonwealth, the citizen may renew a Class D operator's license issued under  
6 this section by mail. If the citizen was issued an "under 21" operator's license, upon  
7 the date of his or her twenty-first birthday, the "under 21" operator's license may be  
8 renewed for an operator's license that no longer contains the outdated reference to  
9 being "under 21."

10 (11) A citizen of the Commonwealth renewing an operator's license by mail under  
11 subsection (10) of this section may have a personal designee apply to the circuit  
12 clerk on behalf of the citizen to renew the citizen's operator's license. An operator's  
13 license being renewed by mail under subsection (10) of this section shall be issued a  
14 license without a photograph. The license shall show in the space provided for the  
15 photograph the legend "valid without photo and signature."

16 (12) (a) If a citizen of the Commonwealth has been serving in the United States  
17 military stationed or assigned to a base or other location outside the  
18 boundaries of the Commonwealth and has allowed his or her operator's license  
19 to expire, he or she shall, within ninety (90) days of returning to the  
20 Commonwealth, be permitted to renew his or her license without having to  
21 take a written test or road test.

22 (b) A citizen who meets the criteria in paragraph (a) of this subsection shall not be  
23 convicted or cited for driving on an expired license prior to license renewal  
24 during the ninety (90) days after the person's return to the Commonwealth if  
25 the person can provide proof of his or her out-of-state service and dates of  
26 assignment.

27 (c) A citizen who meets the criteria in paragraph (a) of this subsection and who

1 does not renew his or her license within ninety (90) days of returning to the  
2 Commonwealth shall be required to comply with the provisions of this chapter  
3 governing renewal of a license that has expired.

4 (d) If a citizen of the Commonwealth has been issued an "under 21" or "under 21  
5 CDL" operator's license and the person is unable to renew the license on the  
6 date of his twenty-first birthday, the "under 21" or "under 21 CDL" operator's  
7 license shall be valid for ninety (90) days beyond the date of the person's  
8 twenty-first birthday.

9 (13) The cabinet shall provide on each license to operate motor vehicles, motorcycles,  
10 and mopeds a space for the licensed driver's:

11 (a) Blood type;

12 (b) Medical insignia if the person provides evidence that a medical identification  
13 bracelet noting specific physical ailments or a drug allergy is being worn or  
14 other proof as may be required by the cabinet; and

15 (c) A statement whereby the owner of the license may certify in the presence of  
16 two (2) witnesses his willingness to make an anatomical gift under KRS  
17 311.195.

18 (14) If the motor vehicle operator denotes a physical ailment or drug allergy on the  
19 operator's license, he may apply for and shall receive, for a fee of one dollar (\$1)  
20 paid to the circuit clerk, a medical insignia decal that may be affixed to the lower  
21 left side of the front windshield of a motor vehicle.

22 (15) An operator's license pursuant to this section shall be designated a Class D license.

23 (16) A person shall not have more than one (1) license.

24 (17) Upon marriage, a woman applying for an operator's license or a color photo  
25 personal identification card shall provide the circuit clerk with her marriage license  
26 and complete an affidavit form provided by the circuit court clerk. She shall have  
27 the following choices in regard to her full legal name as required in subsections (2)

1       and (7) of this section:

2       (a)   Use her husband's last name;

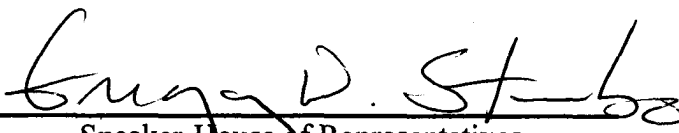
3       (b)   Retain her maiden name;

4       (c)   Use her maiden name hyphenated with her husband's last name;

5       (d)   Use her maiden name as a middle name and her husband's last name as her  
6           last name; or

7       (e)   In the case of a previous marriage, retain that husband's last name.

8   (18) Upon issuing an operator's license or personal identification card, the clerk shall  
9       draw the recipient's attention to the location on the license relating to anatomical  
10      gifts under subsection (13)(c) of this section and offer to allow personnel in the  
11      clerk's office to serve as the witnesses to the recipient's certification of willingness  
12      to make an anatomical gift if the recipient is the person to whom the license is  
13      issued.

  
Speaker-House of Representatives

  
President of Senate

Attest:   
Chief Clerk of House of Representatives

Approved   
Governor

Date 